

**From:** Caroline Ahearn/DC/USEPA/US  
**Sent:** 2/24/2012 11:12:12 AM  
**To:** Ahearn.Caroline@epamail.epa.gov  
**CC:**  
**Subject:** Conference call with House and Senate Staff yesterday on Region III's Dimock investigation.

On Thursday, February 23, OECA participated in a conference call with House and Senate staff about Region III's Dimock investigation and the scope of EPA's authority under CERCLA to sample private drinking water wells. Staff from Region III, OSWER and OCIR also participated in this call. The following is a summary of our discussion.

#### Present

#### Hill Staff:

Mark Height and Dimitri Karakitsos, Minority Staff for Senator Inhofe, Senate Environment and Public Works Committee  
Jerry Couri, Majority Staff, House Energy and Commerce Committee  
Shimere Williams & Jetta Wong, Minority Staff, House Science Committee  
Rebecca Rosen, Senate Energy and Natural Resources Subcommittee staff  
Dave Weber, Tom Cahill and Robert Savino, staff for Rep. Tom Marino (R- PA, 10th District)

#### Region III:

Cecil Rodrigues, Dennis Carney, Jennie Saxe

#### OECA:

Bernadette Rappold, Karin Leff, Caroline Ahearn

#### OSWER:

Randy Deitz

#### OCIR:

Pamela Jannifer

#### Summary

Region III discussed the status of EPA's well sampling in the Dimock, PA area, plans to conduct future sampling in March, and delivery of alternative water to residents. The attached fact sheets contain detailed information about EPA's efforts.

Robert Savino (Rep. Marino) asked several questions in a hostile and combative manner disrupting most of the call. OCIR and other Hill staff present suggested that he have a separate call with EPA to discuss the fundamentals of environmental regulation and CERCLA. He asked about the scope of EPA's statutory authority to sample private drinking water wells. He stated that EPA is trying to advance its agenda on fracking. Region III and OSWER explained our broad authority under CERCLA to respond to releases of hazardous substances.

Jerry Couri (House Energy and Commerce Committee Majority staff) asked why EPA did not use its imminent and substantial endangerment authority under Section 1431 of the Safe Drinking Water Act to provide alternative water to residents. Region III explained that we knew that there were hazardous substances in the drinking water wells. He asked what was the Administrator's "reasonable basis" under CERCLA Section 104 (e) to collect information and sample these wells. Region III responded that the "reasonable basis" determination is based on spill reports provided by the state and Cabot Oil, and data obtained by the Region indicating that the wells contain hazardous substances. He asked if EPA is prepared to seek contribution for EPA's efforts. The Region responded that no decision has been made and we are still evaluating this matter. Jerry also asked if we are looking at other companies in addition to Cabot and why the state isn't the lead because it's a delegated program. Karin Leff advised him that CERCLA is not delegated to the states.

Next steps: Since we ran out of time, OCIR is going to set up three separate conference calls with Hill Staff next week: (1) House Science Minority Staff; (2) Senate Environment and Public Works Committee Minority staff and Jerry Couri, House Energy and Commerce Committee Majority staff; and (3) Rep. Marino's staff.

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